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10 *Attorneys for Plaintiff Federal National Mortgage Association*

11 **UNITED STATES DISTRICT COURT**

12 **DISTRICT OF NEVADA**

13 FEDERAL NATIONAL MORTGAGE  
14 ASSOCIATION,

15 Plaintiff,

16 vs.

17 BOCA RATON CONDOMINIUM  
18 COMMUNITY ASSOCIATION,

19 Defendant.

Case No.: 2:18-cv-01436-APG-GWF

**STIPULATION AND ORDER OF FINAL  
JUDGMENT AND FOR RECONVEYANCE  
OF FORECLOSURE DEED**

20 Plaintiff FEDERAL NATIONAL MORTGAGE ASSOCIATION ("Fannie Mae") and  
21 Defendant BOCA RATON CONDOMINIUM COMMUNITY ASSOCIATION ("HOA"), through their  
22 counsel of record, stipulate as follows:

23 WHEREAS, This matter relates to real property located 2405 W. Serene Avenue, #637, Las  
24 Vegas, Nevada 89123, APN 177-20-710-674 (the "Property"). The Property is more specifically  
25 described as:

26 PARCEL 1:- UNIT:

27 UNIT 637 ("UNIT") IN BUILDING 4 ("BUILDING") AS SHOWN ON THE FINAL  
28 PLAT OF PALM BEACH RESORT, FILED IN BOOK 128 OF PLATS, PAGE 61,  
IN THE OFFICIAL RECORDS OF THE COUNTY RECORDER, CLARK  
COUNTY, NEVADA ("PLAT"), AND AMENDED BY CERTIFICATE OF  
AMENDMENT RECORDED FEBRUARY 3, 2006 IN BOOK 20060203 AS  
DOCUMENT NO. 03047, AND FURTHER AMENDED BY CERTIFICATE OF  
AMENDMENT RECORDED APRIL 12, 2007 IN BOOK 20070412 AS  
DOCUMENT NO. 04337, AND AS DEFINED AND SET FORTH IN THAT

1 CERTAIN DECLARATION OF COVENANTS, CONDITIONS AND  
2 RESTRICTIONS FOR BOCA RATON CONDOMINIUMS, RECORDED  
3 FEBRUARY 22, 2007 AS INSTRUMENT NO. 20070222 IN BOOK 05515,  
4 OFFICIAL RECORDS, CLARK COUNTY, NEVADA ("PALM BEACH RESORT  
5 DECLARATION").

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PARCEL II:- COMMON ELEMENTS:

AN UNDIVIDED ALLOCATED FRACTIONAL INTEREST AS TENANT-IN-  
COMMON IN AND TO THE COMMON ELEMENTS, AS DEFINED IN AND  
SUBJECT TO THE DECLARATION.

EXCEPTING THEREFROM, ALL UNITS SHOWN ON THE PLAT.  
RESERVING THEREFROM, THE RIGHT TO USE ANY OF THOSE AREAS  
DESIGNATED AS LIMITED COMMON ELEMENTS IN THE PLAT AND/OR  
THE DECLARATION.

FURTHER RESERVING THEREFROM, FOR THE BENEFIT OF THE OWNERS  
OF ALL UNITS SHOWN ON THE PLAT (EXCEPT THE UNIT REFERRED TO IN  
PARCEL I ABOVE) NONEXCLUSIVE EASEMENTS FOR ACCESS, INGRESS,  
EGRESS USE, ENJOYMENT AND OTHER PURPOSES ON, OVER AND  
ACROSS THE COMMON ELEMENTS AS DEFINED IN AND SUBJECT TO THE  
DECLARATION.

PARCEL III:- LIMITED COMMON ELEMENTS:

THE EXCLUSIVE RIGHT TO USE, POSSESS AND OCCUPY THE FOLLOWING,  
SUBJECT TO THE TERMS AND PROVISIONS OF THE DECLARATION:

PARKING SPACE NUMBER: GE266 AS SHOWN ON THE PLAT,

ALL OF WHICH ARE DESCRIBED AS LIMITED COMMON ELEMENTS IN  
SECTION 5.2(a) AND SECTION 5.3(a) OF THE DECLARATION AND WHICH  
ARE APPURTENANT TO PARCEL I AND PARCEL II DESCRIBED ABOVE.

TOGETHER WITH THE AREAS DESIGNATED AS LIMITED COMMON  
ELEMENTS DEFINED AND DESCRIBED AS LIMITED COMMON ELEMENTS,  
ALLOCATED TO PARCEL I AND PARCEL II IN THE DECLARATION PARCEL

IV- APPURTENANT EASEMENTS:

NON-EXCLUSIVE EASEMENTS FOR ACCESS, INGRESS AND EGRESS USE,  
ENJOYMENT AND OTHER PURPOSES ON, OVER AND ACROSS THE  
COMMON ELEMENTS AS DEFINED IN AND SUBJECT TO THE  
DECLARATION, WHICH EASEMENTS ARE APPURTENANT TO PARCELS I, II  
AND III ABOVE.

1 WHEREAS, Fannie Mae is the beneficiary of record of a Deed of Trust that encumbers the  
2 Property and was recorded on May 5, 2008, as Instrument Number 20080505-0000841, in the Official  
3 Records of Clark County, Nevada (the "Deed of Trust").

4 WHEREAS, on July 21, 2014, the HOA recorded a Foreclosure Deed as Instrument  
5 Number 20140721-0000343, of the Official Records of Clark County, Nevada (the "HOA Foreclosure  
6 Deed"), reflecting that the HOA purchased the Property at its foreclosure sale of the Property  
7 conducted on July 14, 2014 (the "HOA Sale").

8 WHEREAS, the HOA has not transferred its interest in the Property and is still the title holder  
9 of record.

10 WHEREAS, on August 2, 2018, Fannie Mae initiated a lawsuit against the HOA in the United  
11 States District Court, District of Nevada, (ECF No. 1) to obtain a judicial declaration of quiet title to the  
12 Property ("Quiet Title Action").

13 WHEREAS, Fannie Mae and the HOA have entered into a settlement agreement in which they  
14 have settled all claims between them in this case. This Stipulation and Order applies to the matters  
15 addressed in the Quiet Title Action only and has no relevance to any other matter.

16 WHEREFORE, based on the foregoing,

17 IT IS HEREBY STIPULATED AND AGREED that, in accordance with the settlement  
18 reached between Fannie Mae and the HOA, the HOA shall record a Rescission of the Foreclosure  
19 Deed, recorded against the Property on July 21, 2014, as Instrument Number 20140721-0000343, and a  
20 Release of the Notice of Default and Election to Sell, recorded against the Property on February 10,  
21 2012, as Instrument Number 20120210-0000866.

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1 IT IS FURTHER STIPULATED AND AGREED that the Deed of Trust and all interests  
2 identified therein, recorded against the Property on May 5, 2008, as Instrument Number 20080505-  
3 0000841, remains a valid encumbrance against the Property.

4 DATED this 10<sup>th</sup> day of August, 2018.

DATED this 10<sup>th</sup> day of August, 2018.

5 WRIGHT FINLAY & ZAK, LLP

BOCA RATON CONDOMINIUM  
COMMUNITY ASSOCIATION

7 /s/Christina V. Miller, Esq.

/s/ Michael Roberts

8 Dana Jonathon Nitz, Esq.

Michael Roberts

9 Nevada Bar No. 0050

Secretary and Treasurer

Christina V. Miller, Esq.

*Boca Raton Condominium Community  
Association, in proper person*

10 Nevada Bar No. 12448

7785 W. Sahara Ave., Suite 200

Las Vegas, NV 89119

11 *Attorney for Plaintiff Federal*

12 *National Mortgage Association*

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14 **ORDER**

15 Based on the above stipulation and agreement between Fannie Mae and the HOA, and good  
16 cause appearing therefore,

17 IT IS HEREBY ORDERED that the Deed of Trust, and all interests identified therein, recorded  
18 against the Property on May 5, 2008, as Instrument Number 20080505-0000841, remains a valid  
19 encumbrance against the real property located at 2405 W. Serene Avenue, #637, Las Vegas, Nevada  
20 89123, APN 177-20-710-674 (the "Property"); was not extinguished, impaired, or otherwise affected  
21 by the foreclosure sale of the Property conducted by the HOA on July 14, 2014, or the recording of the  
22 Foreclosure Deed in the Official Records of Clark County, Nevada, on July 21, 2014, as Instrument  
23 Number 20140721-0000343; and remains a valid encumbrance against the Property.

24 IT IS FURTHER ORDERED that, in accordance with the settlement reached between Fannie  
25 Mae and the HOA, within ten (10) days of entry of this Order, the HOA shall record against the  
26 Property: (1) a Rescission of the Foreclosure Deed, recorded against the Property on July 21, 2014, as  
27 Instrument Number 20140721-0000343; and (2) a Release of the Notice of Default and Election to Sell,  
28 recorded against the Property on February 10, 2012, as Instrument Number 20120210-0000866.

1 IT IS FURTHER ORDERED that Fannie Mae shall be entitled to record this STIPULATION  
2 AND ORDER OF FINAL JUDGMENT AND FOR RECONVEYANCE OF FORECLOSURE DEED  
3 in the Official Records of Clark County, Nevada in accordance with the rules of the Recorder's Office.

4 IT IS FURTHER ORDERED that this Order constitutes the final judgment of this Court,  
5 resolving all claims in this case, with prejudice, each party to bear its own fees and costs.

6 IT IS SO ORDERED.

7 Dated: August 10, 2018.

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12 UNITED STATES DISTRICT JUDGE  
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